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## THE UNGUARDED BOUNDARY \*

By JOHN W. DAVIS

Of the many artificial lines which the hand of man has traced on the habitable surface of the globe, certainly at the moment none exceeds in significant importance the one to which I beg to direct the attention of this distinguished audience. Bismarck is reported to have said that the most significant circumstance in current history was the fact that practically the whole of the North American continent speaks the English language. The meaning which he attached to that fact finds its symbolic expression in the location and history of the boundary line between the United States and Canada.

On a front of 5,400 miles, or, roughly, as far as from New York to Buenos Aires or Petrograd, or from London to Cape Town or Bombay, by land and water, over mountain and plain, through prairie and forest, the British Empire and the United States meet each other face to face, without thought of defense or fear of aggression. In all that distance the only sentinels that guard the line are the silent monuments erected by the joint action of the two nations; the only vessels are the unarmed ships which carry the commerce of their common waterways; the only weapons are the woodman's ax, the huntsman's rifle, and the tools of fruitful trade and agriculture. Peace reigns from end to end as profound and undisturbed as the quiet of the primeval forest that still clothes many reaches of the boundary line. It is a peace, moreover, not of monotony or of solitude, for a journey along the windings of this far-flung frontier is an epitome of the industrial and commercial life of the two countries.

### THE CANADIAN-UNITED STATES BOUNDARY—ITS COURSE BRIEFLY TRACED

Let us consider the variety of scene and circumstance which such a journey would present. The traveler who would follow the boundary begins at a point in the Atlantic Ocean in the Grand Manan Channel, in latitude  $44^{\circ} 40'$  and longitude  $67^{\circ}$  approximate, and enters the Bay of Fundy with its gigantic tides (25 feet at the entrance, 50 feet at the head), passing Quoddy Head, the most easterly point in the United States; thence through a narrow channel past the towns of Lubec and Eastport, busy with their herring fisheries, up the Passamaquoddy Bay and into the St. Croix River. This river he follows to its source up Monument Brook and thence 77 miles due north, through a rolling country famous for potatoes, to the middle of the St. John River. Ascending the main channel of the St. John he finds himself in a beautiful and fertile valley filled by French-

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speaking inhabitants and, having reached the St. Francis River, he pursues the devious windings of that forest stream to Lake Pohegamook, in latitude  $47^{\circ} 28'$ , longitude  $69^{\circ} 15'$ ; still in the forest shadow, he reaches the St. John again and follows its southwest branch to the crest of the watershed dividing the waters of the Kennebec, Androscoggin, and Penobscot Rivers from the tributaries of the St. Lawrence. Clinging to this watershed, he encounters Hall's Stream and is guided by it to the 45th parallel of latitude, surveyed in 1774 by Valentine and Collins for the then British Governors of New York and Canada as the line between those provinces.

Westward then with the Valentine-Collins line, crossing Lake Memphremagog and the Richelieu River, the traveler comes to the old Indian village of St. Regis on the banks of the majestic St. Lawrence and, breasting the swift current of that powerful stream, follows it past hamlet and village and town, through the beautiful Thousand Islands with their hundreds of summer homes, until it enters Lake Ontario at Cape Vincent. Crossing Lake Ontario, the line runs up the Niagara River, dividing the great waterfall impartially into the American and Canadian Falls, and reaches the outlet of Lake Erie near the American city of Buffalo, a port whose commerce, inland though it be, compares with such ocean ports as Glasgow. Then to the west end of Lake Erie, up the Detroit River between the cities of Detroit, Michigan, and Windsor, Ontario; through Lake St. Clair to Lake Huron; over that lake to the Sault St. Marie with its great locks, which evil minds during the late war plotted to destroy, and out into the vast unsalted sea of Lake Superior. The voyager through the Great Lakes meets all along the way an unending stream of vessels bringing down the grain of the western wheat fields and the iron and copper of the Lake Superior basin and carrying back in return fuel and supplies for all the broad northwestern region.

The boundary leaves Lake Superior at the mouth of the Pigeon River, over the route taken in early days by the adventurous brigades of the fur-trading companies, and makes by South Fowl Lake, Lac La Croix, Rainy Lake, and the Rainy River to the northwesternmost point of the Lake of the Woods, where it turns due south twenty-six miles to an intersection with the 49th parallel of latitude. Here uncertainty and deviation disappear. Regardless of obstacle it plunges to the west, across the swampy timbered country of the Roseau River, then over many miles of fertile and untimbered prairie to the Turtle Mountains, rising one thousand feet above the plain. Here are trees again, but after thirty-five miles of grateful shade the traveler descends to a semi-arid and treeless plain extending to the foothills of the Rocky Mountains with their forested slopes. The divide is crossed at an elevation of 7,300 feet; and after a succession of rivers and mountains, glaciers and lofty summits, much of the time through heavy timber, one comes to level country in approaching the sea and reaches salt water at the Gulf of Georgia; down the Gulf, though Haro Strait and Juan de Fuca Strait, and the end of the line is found in

the Pacific Ocean at latitude  $48^{\circ} 30'$  and longitude  $124^{\circ} 40'$ , 3,900 miles from the point of departure.

#### THE ALASKAN-CANADIAN BOUNDARY

There are, however, 1,500 miles still to traverse, which are by no means the least difficult of the journey. Five hundred miles north of the Strait of Fuca the Alaskan-Canadian boundary begins at Cape Muzon, the southernmost point of Prince of Wales Island. Crossing the sound known as Dixon Entrance, it follows the Portland Canal, so named by Vancouver, to its head near Mts. Gladstone and Johnson; then by straight lines drawn from peak to peak roughly following the windings of the coast, encountering the greatest glaciers in all the world outside the polar regions, and crossing the Unuk, Stikine, Whiting, and Taku Rivers, it mounts the White and Chilkoot Passes, over which the rush of gold seekers made their eager way into the Klondike, and pauses at the towering height of Mt. St. Elias, perhaps, with its 18,000 feet, the most magnificent boundary post in all the world. Two miles northeast of Mt. St. Elias the line reaches the 141st meridian and pursues it over barren mountain ridges, trackless glaciers, and fields of driven snow, passing the White, the mighty Yukon, and the Porcupine Rivers, to the Arctic Sea.

#### HISTORICAL SCENES ASSOCIATED WITH THESE BORDERLANDS

Many sorts and conditions of men are to be encountered in these 5,400 miles of travel, from the fishermen of the eastern coast to the gold hunters of the Yukon, and, whether among the woodsmen of Maine, the sailors and toilers of the Lakes, the herdsmen of the prairie, or the prospectors of the western mountains, one can find ample material for stories of adventure and romance. Still more thrilling would the recital be if one should turn the pages of history and read what it has to tell of the border in the days when discovery was new. Great names flash out like meteors from every page and deeds of daring as bold as ever poet has sung. Starting in the East, the story would take up the voyage of Sebastian Cabot to Newfoundland in 1497 and of the Frenchman, Cartier, to the St. Lawrence in 1534; the journeys and labors of Champlain and his winter with De Monte on the Isle de St. Croix; and, pressing further west, the discoveries of the indomitable La Salle on the Lakes and the Mississippi. It would tell of the settlements by the English, the Mayflower and Plymouth Rock, Sir William Alexander and his Scotch in Nova Scotia; and would go on to describe the long and bloody warfare between France and Great Britain for supremacy on the continent. Into the picture come the painted figures of the warlike Iroquois, the five confederate nations of Mohawks, Oneidas, Onondagas, Senecas, and Cayugas, who formed, with their 2,500 fighting men, perhaps the most effective barrier to the southward march of the French. And we should see the long contest terminated forever on the Heights of Abraham by Wolfe

and Montcalm, whose joint monument in the city of Quebec finely records that "fate gave them a common death, history a common fame, and posterity a common monument." Then the American Revolution arrives upon the scene; Ethan Allen and his "Green Mountain Boys" pounding at the gates of Fort Ticonderoga with their demand for its surrender "in the name of the Great Jehovah and the Continental Congress;" the loyalists of New England hurrying across the border to join their comrades in Nova Scotia and the North; while Montgomery makes his ill-starred effort to repeat the successes of Wolfe against Quebec.

No less moving, although the stage is filled perhaps by fewer figures, is the story of the Pacific, dating from the day when Balboa marched his men into the surf at Darien and proclaimed the sovereignty of Spain over the broad waters of the new sea "for all time, past, present, or to come, without contradiction . . . north and south . . . from the Pole Arctic to the Pole Antarctic." Up the coast crept the Spaniards, Maldonado, Mendoza, Nuño de Guzman, Ferrelo, and the rest, including Cortes himself and Juan de Fuca, whose reputed voyage of 1592 is commemorated by the Strait that bears his name; and finally in the years 1774-1779 the memorable though belated voyages of Juan Perez, Heceta, and Bodega y Quadra in an effort to claim for Spain the entire Pacific coast. Meanwhile, however, in the year 1578 there had burst like a hurricane into the quiet waters of the Pacific the Englishman, Francis Drake, who so harried the ships and settlements of Spain that his name was spoken with horror for a century. Laden with Spanish booty, he too turned to the north and traveled as far as the 48th parallel in search of a safe passage home. Drake's Bay, a little north of San Francisco on the California coast, still marks the spot where he put in to refit after he had failed to find the Northwest Passage and was turning about for the Philippines, the Indian Ocean, the Cape, and home. Later on, the roster of explorers bears such names as the Russians, Bering and Chirikov in 1741; the Englishman, Captain Cook, greatest of navigators, 1778; and his worthy lieutenant and successor, Captain George Vancouver, 1792; La Pérouse, the Frenchman in 1786; the American, Gray, 1792, in his ship the *Columbia*, first to navigate the river that now bears her name; while overland to the Columbia basin there came through the trackless forest such men as Alexander Mackenzie, 1793, the discoverer of the great river of Northwestern Canada that bears his name; and Lewis and Clark (1804-1808) on their long journey for President Jefferson through the newly acquired Louisiana territory. Nor could one separate from the recital of discovery the tale of the fur traders; the fierce rivalries that flourished between the Hudson's Bay, the North-West, and the Russian-American Companies; their despotic rule over the far regions which they penetrated if they did not occupy; the story of such men as the Russian, Baranov, ruling from his camp at Kodiak for twenty years with an iron hand that brooked no opposition, exemplifying the Russian proverb that "God is high in the heavens and the Czar far away."

## THE TREATY OF 1783 ESTABLISHING THE BOUNDARY

The limits of time, however, must be recognized, and we must confine our attention to-night to the more prosaic, but I trust not wholly uninteresting, theme of the geographical line itself and the historic and diplomatic reasons for its present location.

The preliminary treaty which closed the American War of Independence was drawn at Paris in the year 1782 by Richard Oswald on behalf of Great Britain, and Benjamin Franklin, John Adams, John Jay, and Henry Laurens for the United States. The definitive treaty was signed in the following year by David Hartley for Great Britain, and Adams, Franklin, and Jay for the United States. The northern and eastern boundary lines of the latter were described as follows:

That all disputes which might arise in future on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared that the following are and shall be their boundaries, viz.: From the northwest angle of Nova-Scotia, viz., that angle which is formed by a line drawn due north from the source of St. Croix River to the Highlands; along the Highlands which divide those rivers that empty themselves into the River St. Lawrence, from those which fall into the Atlantic Ocean, to the northwesternmost head of Connecticut River; thence down along the middle of that river to the 45th degree of north latitude; from thence, by a line due west on said latitude until it strikes the River Iroquois or Cataraquy; thence along the middle of said river into Lake Ontario, through the middle of said lake until it strikes the communication by water between that lake and Lake Erie; thence along the middle of said communication into Lake Erie, through the middle of said lake until it arrives at the water communication between that lake and Lake Huron; thence along the middle of said water communication into the Lake Huron; thence through the middle of said lake to the water communication between that lake and Lake Superior; thence through Lake Superior northward of the Isles Royal and Phelippeaux, to the Long Lake; thence through the middle of said Long Lake, and the water communication between it and the Lake of the Woods, to the said Lake of the Woods, thence through the said lake to the most northwestern point thereof, and from thence on a due west course to the River Mississippi; . . . East, by a line to be drawn along the middle of the River St. Croix, from its mouth in the Bay of Fundy to its source, and from its source directly north to the aforesaid Highlands which divide the rivers that fall into the Atlantic Ocean from those which fall into the River St. Lawrence.

The piously expressed purpose of the signers to prevent all future disputes reads, in the light of subsequent events, like the prohibition against litigation so beloved by gentlemen who draw their own wills, for hardly was the ink dry upon the treaty before disputes arose in reference to the boundary. In large part uncertainty was unavoidable. The map which the negotiators had before them was one made by John Mitchell in the year 1755 and, although not bad for its day and time, was sadly lacking in accurate detail. A veteran who had fought through the American Civil War on the side of the South was once asked what was the chief lesson he had carried away from that experience, to which he replied that it had made him "forever damned suspicious of these popular movements." If the history of the boundary teaches no other lesson, it should at least warn treaty makers

to be forever suspicious of paper boundaries based upon insufficient surveys.

#### DISPUTES IN REFERENCE TO THE RIVER ST. CROIX

The first of these disputes concerned the identity of the River St. Croix, fixed by the treaty as the eastern boundary. There were three rivers which emptied into the Bay of Fundy at short distances from each other, viz., the Cobscook, Schoodic, and—fifty miles farther east—the Magaguadevic. The British authorities insisted that the middle river, the Schoodic, was the true St. Croix, while the Americans contended for the Magaguadevic. The difference became acute when Nova Scotia proceeded to grant land on the eastern bank of the Schoodic to loyalist refugees from the states, and Massachusetts, vigorously protesting, requested the Governor of Nova Scotia to recall “those subjects of His Majesty who have planted themselves within this commonwealth.” To this the Governor of Nova Scotia firmly replied that Great Britain held to the Schoodic. With matters in this posture, America proposed the appointment of a Commission to settle the question, and in 1794, under the Jay-Wyndham Treaty, a joint commission of three was erected for the purpose. The Indian aborigines proved unsatisfactory witnesses, for they testified or were quoted impartially in favor of all three rivers; but excavations at the mouth of the Schoodic disclosed the remains of the *Sieur De Monts*’ winter camp of 1604 and conclusively identified it as the St. Croix of Champlain.

It still remained, however, to determine the source of the St. Croix, as the point from which the due north line was to be drawn, and it appeared that not far from its source the Schoodic—henceforth to be known as the St. Croix—divided most perversely into two branches, an eastern and a western. Of these the former was the larger and therefore entitled to be considered the main stream; but to it the Indians had given the name of Chiputneticook, while the western kept the name of Schoodic. Without going into further detail, suffice to say that the commissioners decided for the eastern branch to its remotest spring, and it was and is so ordered.

If I were asked in what spirit this decision was accepted, perhaps I could do no better than recall the fact that during the war of 1812 the inhabitants on both banks of the St. Croix observed by common consent a strict neutrality. Some years later an official in charge of a powder magazine in the Canadian town of St. Stephen received from the Dominion or Provincial Governor a requisition for the powder under his control. He was constrained shamefacedly to reply that all the powder which the magazine contained had been loaned by him to the town of Calais, across the river, for a Fourth of July celebration and had not yet been returned. Commercially, matters have gone still further, for today these two cities are both supplied with water and electric light from works located on the Canadian side and run by a Canadian company, while their tramcars are operated by an American company with power generated in the United States.

## SETTLEMENT OF THE MAINE-NEW BRUNSWICK LINE

I must ignore the dispute over the ownership of the islands in Passamaquoddy Bay, which was finally settled by a joint commission under the Treaty of Ghent, Great Britain getting rather the best of it, and go on to the much more important question of the line "due north from the source of the St. Croix River to the Highlands . . . which divide those waters that empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean." Here we come to the threshold of actual war. The source of the St. Croix has been fixed; but where are the Highlands and where is the corresponding northwest angle of Nova Scotia?

Perhaps the worthies who signed the Treaty of Paris believed that a definite range of more or less mountainous highlands existed along the southern slopes of the St. Lawrence, although the word may be fairly taken to mean lands high enough to form a watershed; but the apple of discord was thoughtlessly flung by an American, James Sullivan, who writes in 1802 to James Madison, afterwards President but then Secretary of State, that "Commissioners have traversed the country in vain to find the Highlands designated as a boundary." This Madison repeated to Minister King, in London, with instructions to negotiate for a joint commission, thus admitting the existence of doubt upon the subject and conceding a point which it was impossible to regain. Henceforth the British contended for Mars Hill, an elevation but forty miles north of the St. Croix, as the true northwest angle of Nova Scotia, while the Americans insisted, in vain as the event proved, that the Highlands of the treaty were the watershed far to the north, between the tributaries of the St. Lawrence and the headwaters of the Restigouche. The controversy was destined to endure with increasing bitterness for over forty years. The crux of the matter, from the British point of view, was an all-British overland route from Halifax to Quebec, which the American claim, if successful, would intercept; while the Americans, and more especially the States of Maine and Massachusetts, stood stiffly on a strict construction of their treaty rights.

After some abortive negotiations a joint commission was finally set up under the Treaty of Ghent to determine and mark the boundary from the source of the St. Croix to the St. Lawrence. It held its first meeting at St. Andrews, New Brunswick, in September, 1816, and its last in New York, in April, 1822, but had nothing better to report, after discussions "characterized by not a little acrimony," than complete disagreement. There followed the usual bickering between the rival governmental authorities in the disputed area, and at last, in 1828, a convention was signed in London, submitting the question to the King of the Netherlands as arbitrator. On January 10, 1831, that monarch rendered his award. He decided that the term "Highlands" applied to land, not necessarily hilly, which divided waters falling in both directions; but he held the evidence insufficient to support a decision in favor of either contestant and recommended accordingly a line of conven-



ience which gave Great Britain 4,100 square miles of the 12,000 square miles in dispute, and assigned the remaining 7,900 to the United States.

President Andrew Jackson was inclined to accept the award and indeed regretted afterwards that he had not done so, but the States of Maine and Massachusetts insisted that it was decision and not compromise which they desired; the Senate of the United States took their point of view, with the result that this chance for a settlement was lost. After this matters went rapidly from bad to worse. While statesmen negotiated the people of the border took things more and more into their own hands. Persons seeking to hold elections in the Madawaska settlement under Maine laws were arrested by New Brunswick; a Canadian justice of the peace attempting to execute process was arrested by the New Hampshire militia; and an officer taking the census for Maine in the Madawaska settlement was arrested by the New Brunswick authorities. Word came that timber was being cut on a large scale, and Maine sent a posse to arrest any Canadians guilty of what she believed to be a trespass. The three leaders of the posse indiscreetly put up for the night at a house three miles distant from their followers, and this error of judgment led to their being seized and thrust into prison by the very Canadians whom they themselves were seeking; but as a counterblow the provincial "warden" McLaughlin was arrested by the posse and taken to prison at Bangor, Maine. Both sides soon released their captives on parole, but passions were high, and there followed the bloodless adventure known as the Aroostook War. Maine marched her militia into the disputed area, threw up fortifications, and appropriated \$800,000 for military operations; and Congress, not to be outdone, appropriated \$10,000,000 for war purposes and authorized the President to call out the militia of the several states and raise 50,000 volunteers. Fortunately, when matters were at this height, General Scott, of the United States Army, was sent to the scene and succeeded in arranging a *modus vivendi* which averted any clash of arms. It was agreed "that the civil posse of Maine should retain possession of the valley of the Aroostook, the British denying their right; the British authorities retaining possession of the valley of the upper St. John, Maine denying their right."

In 1841 Daniel Webster became Secretary of State; a year later Great Britain sent to Washington, at his suggestion, Lord Ashburton, the son of Sir Francis Baring, founder of the famous house of Baring Brothers and Company, with power to negotiate a settlement. The states of Maine and Massachusetts reluctantly despatched commissioners to participate. It was not all easy going. Webster writes to Edward Everett, then Minister in London: "Our movement for the last ten days, if any has been made, has been rather backward. The boundary business is by no means in a highly promising state, so many obstacles arise not only between us and England but between us and the Commissioners and the Commissioners of the two states themselves."

Perseverance had its reward, however, and an agreement was reached;

the line suggested by the King of the Netherlands was adopted in the main, with some alterations by which the area awarded to the United States was substantially reduced. Maine and Massachusetts were placated, although not appeased, by money grants from the federal treasury, and the long contest was ended. Webster and Ashburton each earned the usual praise that attends the peacemaker. The former was accused in the United States Senate of "victimizing that deserted and doomed state," Maine; and Lord Palmerston, in England, styled the treaty "Lord Ashburton's Capitulation" and recommended that he receive a new title as "Earl Surrender," declaring him, because of his American wife, "a most unfit person for the mission upon which he had been sent."

#### THE BATTLE OF THE MAPS

The episode cannot be dismissed without some reference to the famous Battle of the Maps. Jared Sparks, an American historian, while making some researches in Paris, found in the winter of 1841-1842 a letter from Benjamin Franklin to Comte de Vergennes, French Minister of Foreign Affairs, in which he said, "I have the honor of returning herewith the map your Excellency sent me yesterday. I have marked with a strong red line, according to your desire, the limits of the United States as settled by the preliminaries between the British and American plenipotentiaries."

Following the trail, Sparks found among the French archives a map of North America made by d'Anville in 1746, with a red line drawn completely around the United States in such fashion as to concede to Great Britain on the Maine boundary more than she had ever claimed. He communicated his discovery to Webster, and, while there was nothing to identify the map as the one which Franklin had marked or anything whatever to indicate the unknown tracer of the red line, Webster used the map with great effect in procuring the ratification of the treaty by the Senate and its acceptance by Maine and Massachusetts. Afterwards, when charged with having overreached Lord Ashburton in the matter, he said:

I must confess that I did not think it a very urgent duty on my part to go to Lord Ashburton and tell him that I had found a bit of doubtful evidence in Paris out of which he might, perhaps, make something to the prejudice of our claims and from which he could set up higher claims for himself or throw further uncertainty over the whole matter.

It is gratifying, however, to reflect that Great Britain lost nothing by the incident, for Sir Robert Peel, in the debate of March 21, 1843, said that the British Government had, prior to Lord Ashburton's negotiation, itself found the famous map at Paris and added, "there can be no doubt but that it is the map referred to by Mr. Jared Sparks; but we can trace no indication of connection between it and the despatch of Dr. Franklin."

On the other hand, there was at the time of the negotiation and doubtless still is, in the British Museum, another red-line map of unquestioned authenticity which belonged to King George III. It is one of the Mitchell maps of 1755, such as the peace commissioners used. It bears a red line showing the

boundary as claimed by the United States, with the endorsement in the King's own handwriting, "Boundary as described by Mr. Oswald." Concerning it Lord Ashburton writes to Mr. Webster on April 28, 1843:

The map question now, fortunately, only interests historians. . . . I should have some curiosity to know how you unravel this, to me, inextricable puzzle; at present I will only say, what I know you will believe, that the discoveries here are quite recent and were wholly unknown to me when I was at Washington. Not but that I agree entirely with you that it would have been no duty of mine to damage the cause of my client, yet at the same time I perhaps went further in my protestations of ignorance than I otherwise should have done.

Let us leave it to be discussed by the shades of Webster and Lord Ashburton in the Elysian Fields, since neither party to the contest looks for a rehearing of the case.

#### THE BOUNDARY THROUGH THE LAKES AND WESTWARD TO THE ROCKIES

Of the boundary through the lakes and from Lake Superior to the Rocky Mountains I shall say but little, for there is bigger game ahead of us on the far side of the Continental Divide. You will remember, however, that the treaty of 1783 called for a line from the most northwestern point of the Lake of the Woods due west to the River Mississippi. Here again a surveyor was asked to accomplish the impossible, for the Mississippi, instead of running to the west of the Lake of the Woods, has its rise some 100 miles to the south. The line proposed vanished into the air. By a treaty negotiated in London in 1818, Robinson and Goulburn acting for Great Britain, and Gallatin and Rush for the United States, it was agreed to run a line from the most northwestern point of the Lake of the Woods due north or south, as the case might be, to the 49th parallel and then to follow that parallel to the Stony—now called the Rocky—Mountains. It was found that a line run due south twenty-six miles accomplished the purpose.

The selection of the 49th parallel involved no difficulty, for it was already recognized as a boundary line. At the peace of Utrecht, which closed the War of the Spanish Succession, Great Britain and France had undertaken a century before to fix their respective claims upon the American continent. France contended that her territory extended to the north to within fifty miles of Hudson Bay, while Great Britain insisted that the Hudson's Bay Company possessed the land to the 49th parallel. No express agreement was reached, but thereafter upon all English maps the 49th parallel was carried as the boundary line. In 1803 President Jefferson purchased from Napoleon, for \$15,000,000, the Louisiana territory, perhaps the largest and most profitable real estate transaction on record; and, the United States having taken the place of France, the 49th parallel was accepted as the uncontroverted boundary line.

#### FROM THE ROCKY MOUNTAINS TO THE PACIFIC

There was, however, a question which the negotiators of 1818 were unable to solve, as were also those who, four years earlier, had framed the Treaty

of Ghent; this was the boundary from the Rocky Mountains to the sea, which involved the whole thorny question of sovereignty over the Oregon country. Gallatin and Rush proposed that the 49th parallel should be accepted to the ocean, but the British negotiators intimated that they would be content with nothing short of the line of the Columbia River. It was an unbroken wilderness they were discussing, and aside from the voyages of discovery the only white men who had penetrated it were the fur traders, drawn there principally by the lure of the skin of the sea otter, who thus made his contribution to the march of civilization. It is easy to think that others are grasping when they desire what we covet ourselves. Perhaps you will care to listen to the remarks of Minister Rush upon the ambitions of his British confrères:

Under this branch of the discussion might be seen power seeking its own augmentation. How strong the case for this reflection. A nation whose dominions in Europe established her in the front rank of power; whose fleets predominated on the ocean; who had subjects in Asia too numerous to be counted; whose flag was planted at the Cape of Good Hope and other posts in Africa; who had Gibraltar, and Malta, and Heligoland, enabling her to watch the Mediterranean and the Baltic; who had an Empire in the West Indies as in the East, and added to all, vast continental colonies in America—this nation was anxiously contending for territorial rights in deep forests beyond the Rocky Mountains and on the solitary shores of the northern Pacific.

And so, for want of agreement, it was written down that any country claimed by either party on the northwest coast of America westward of the Stony Mountains should be free and open for the term of ten years to the citizens of both powers without prejudice to their respective claims of sovereignty.

#### RUSSIAN PART IN THE CONTEST

It was really a three-cornered contest, for Russia, having seated herself firmly in Alaska, was pressing down from the north, and the United States upward from the south, with Great Britain in between, struggling to maintain her footing on the coast. Spain ceded to the United States in 1819, by the Treaty of Florida-Blanca, whatever rights north of the 42nd parallel had inured to her by her voyages and discoveries and definitely retired from the field. In a sense it was Russia that forced the issue by the famous ukase of the Emperor, issued in 1821, which forbade "all foreign vessels not only to land on the coasts and islands" between Bering Strait and the 51st parallel "but also to approach them within less than 100 Italian miles" under penalty of confiscation of vessel and cargo. This was high language and naturally unacceptable either to Great Britain or America, who, as they have shown in very recent history, do not tamely accept a warning to keep off the open sea. Both promptly protested, Great Britain caring—as Canning frankly confessed—more about the principle involved than about the territory. "We negotiate about territory," he wrote, "to cover the remonstrance upon principle." Indeed, it may be questioned whether throughout the long controversy Great Britain was fully alive to the possibilities of the region. There

is a fable still extant to the effect that as late as 1846 Captain Gordon, a representative of Great Britain, became so disgusted because the Columbia River salmon would not rise to a fly that he reported to his Government that the "country was not worth a damn." However this may have been, the Russian ukase could not be borne. Negotiations were entered into accordingly, and in 1824 it was agreed between the United States and Russia that the citizens of the United States would not form settlements north of latitude  $54^{\circ} 40'$  and that Russian citizens would form no settlements south of it. The next year Great Britain concluded a treaty which again limited Russia on the south by latitude  $54^{\circ} 40'$  and on the east by the first range of mountains on the 141st meridian. This eliminated Russia and left Great Britain and the United States to fight it out.

#### THE OPPOSING CLAIMS

Each of them continued to claim the entire territory, relying upon a sequence of events which may be briefly stated. The British claim was based on

1. The exploration by Captain Cook, in 1778, of the Pacific coast from latitude  $43^{\circ}$  N. to  $70^{\circ}$  N.
2. The establishment by British merchants, in 1788, of a trading post at Nootka Sound, which, although seized by Spain in 1789 together with two British ships that were anchored there, was restored by the treaty of 1790, which also recognized Great Britain's fishing and treaty rights in the Pacific.
3. The explorations of Vancouver in 1792-1794 of a part of the coast and waters of Juan de Fuca Strait and the Gulf of Georgia and the exploration by Alexander Mackenzie and fur-trading settlements by the North-West Company during the same period in the country north of the Columbia River.

The claim of the United States was based on

1. The discovery in 1792 of the Columbia River by Robert Gray, who entered and explored the river for twenty-three miles, giving it the name of his ship.
2. The expedition of Lewis and Clark, in 1803-1806, who came by the way of the Mississippi and Missouri Rivers across the Continental Divide to the headwaters of the Columbia, thence down the Clearwater, Snake, and Columbia Rivers to the Pacific Ocean.
3. The establishment in 1811 by the Pacific Fur Company, organized by John Jacob Astor of New York, of the fur-trading settlement near the mouth of the Columbia River, which was named Astoria. This had been taken by the British during the war of 1812 but was restored to the United States on the conclusion of peace.

In addition to these specific events the United States sought to strengthen its title by claim of succession to all rights held in the territory by either Spain, France, or Russia; in the case of the latter by renunciation, and under Spain and France by grant.

#### THE OREGON TREATY

Whatever merit there may have been in these conflicting claims proved in the end of minor importance, for it was effective occupation rather than historical rights that finally decided the question. Time was on the side of the Americans. Minister Rush knew this, in 1818, when he wrote that "in regard to those interests in the remote West, time is for the United States the best negotiator"; and Calhoun had the same thought in mind when he recommended, in 1843, a policy of "wise and masterly inactivity." No settlement having been reached, the arrangement for joint occupation was extended in 1827 for an indefinite period, subject to abrogation by either party on twelve months' notice; and a tide of American immigration set in which continued with increasing volume. As usual, missionaries were in the van, stimulated by the coming of four Indian chiefs to St. Louis seeking enlightenment. One thousand immigrants arrived in 1843; fourteen hundred more in the following year; and by 1846 there were in the disputed area 7,000 American settlers as against 400 British. A Provisional Government was erected by the settlers, to which the representatives of the Hudson's Bay Company somewhat surprisingly became parties. Meanwhile the Presidential election of 1844 came on, and President Polk was elected upon the famous campaign slogan of "Fifty-four-forty or fight;" in other words, a demand for the whole territory to the Russian line. Once installed, however, he announced that, while he stood for "Fifty-four degrees and forty minutes," he would refer any suitable proposition to the Senate; and Great Britain, acting upon the hint, offered the 49th parallel, reserving the whole of Vancouver Island and the free navigation of the Columbia. The offer was promptly accepted and concluded by the so-called Buchanan-Pakenham or Oregon Treaty signed at Washington on June 15, 1846, fixing the boundary as the 49th parallel from the Rockies to "the middle of the channel which separates the continent from Vancouver's Island, and thence southerly through the middle of said channel and of Fuca's Straits to the Pacific Ocean."

#### SAN JUAN ISLAND

You would be glad, I am sure, to have the recital of this long-drawn-out controversy end here, but there still remains to be told the tale of the pig that was killed on San Juan Island. No sooner was the treaty signed than men began to ask which was the "channel that separates the continent from Vancouver's Island." Rosario Strait, said Great Britain, which, though it does not wash the continent, lies nearest to it; Haro Strait, said America, which is nearest to Vancouver; and between the two lay San Juan and a

group of smaller islands waiting to find out under which flag they belonged. The diplomats debated until the fateful year 1859, when an American citizen shot and killed, on San Juan Island, a pig belonging to the Hudson's Bay Company. He was threatened with arrest and removal to Victoria for trial, but his lusty cry for help reached a hot-blooded American general on the mainland, who promptly despatched troops to seize and occupy the island. Great Britain protested immediately, and the same General Scott who had watered down the Aroostook War was sent again to the scene of action and arranged a joint occupation of the islands by 100 men of each nation. An adjustment might have been hastened after this, but America—at least from 1860 to 1864—had other things to think about; and it was only in 1871 that a treaty was finally ratified submitting the question to the German Emperor for decision. His award, rendered in 1872, upheld the American contention that Haro Strait was "most in accordance with the true interpretation of the treaty" of 1846. Thus the threatened slayer of the pig was at last secure. But when the roll of animals that have made their place in history is called—the geese that saved Rome, the spider that re-inspired the Bruce, the cow that kicked over the lamp and started the great Chicago fire—is it too much to ask that the pig of San Juan Island may not be forgotten?

#### THE ALASKAN BOUNDARY

There remains but one more controversy to be considered. We must not stop until we have finally located the Alaskan boundary. In 1867 the United States purchased from Russia the territory of Alaska for \$7,200,000, or at the rate of about two cents an acre. Some of the Congressional wise-acres of the day denounced it as an act of "ineffable folly" and "wanton profligacy," but it has not turned out so badly after all. America, of course took only what Russia held, and the latter had agreed with Great Britain in 1825 that the boundary between them should run from the southernmost point of Prince of Wales Island to latitude  $54^{\circ} 40'$ , ascending the Portland Channel to the 56th degree of north latitude, thence "follow the summit of the mountains situated parallel to the coast" to the 141st meridian, and with it to the Arctic Ocean; provided, however, that whenever the summit of the mountains referred to should "prove to be at the distance of more than ten marine leagues from the ocean" the limit between the two countries should be "a line parallel to the windings of the coast and which shall never exceed the distance of ten marine leagues therefrom." There was given to British subjects in perpetuity, by the sixth article of the treaty, the right to navigate all rivers and streams draining into the Pacific that crossed this coast strip, or *lisière*.

To the date of the American purchase this boundary line had never been traced upon the ground, and surveys made thereafter disclosed the disturbing fact that no continuous range of mountains parallel to the coast existed; on the contrary, the coast country was broken into an irregular "sea of mountains" over which it would be entirely impossible to trace a winding line ten

leagues from the coast. The result was, as the American Minister in London, Mr. Phelps, wrote to the Marquis of Salisbury in 1886, that "these treaties really give no boundary at all so far as this portion of the territory is concerned."

Languid efforts were made from time to time at settlement, but in 1896 an event occurred that made the question one of immediate importance. This was nothing other than the discovery of gold in the Klondike region, which provoked a tremendous inrush of eager gold seekers into the valley of the Yukon. The shortest route lay over the White and Chilkoot Passes; on their ocean side the towns of Dyea and Skagway sprang into existence along the Lynn Channel almost over night; and it became a matter of consequence, from the standpoint of customs duties and administration, to decide where the sovereignty of the region lay. A provisional boundary was agreed upon as a *modus vivendi*, and the two countries addressed themselves in earnest to the determination of their respective rights. To this end a convention was concluded in 1903, referring the question to a tribunal to be composed of "six impartial jurists of repute," three to be selected by the United States and three by Great Britain, who proved to be, on the part of Great Britain, Lord Alverstone, Sir Louis Jette, and Sir Allan Aylesworth and for the United States, Senators Root, Lodge, and Turner.

Reduced to its simplest terms the issue turned upon the meaning of the terms "coast" and "ocean," from which, under the treaty of 1825, the ten marine leagues were to be measured. The Alaskan coast hereabouts is inconceivably broken and rugged, penetrated by many deep and narrow bays, inlets, or channels into the heads of which pour numerous rivers, large and small. It resembles on the map a gigantic saw, with teeth projecting seaward far from the blade. In brief, Great Britain contended that the ten-league line should be measured from the outermost points of the coast, the tip of the teeth, with the result that the line would hardly strike the blade at all and the heads of nearly all the conspicuous bays and inlets would lie in British territory. America argued that the measurement must begin at tide-water wherever found, that is to say at the head of the deepest inlet, or where the saw tooth joined the blade. She sought to draw an unbroken land line ten leagues from any salt water.

The Commission sat on September 3, 1903, and rendered its decision on October 20. I shall not detail the reasoning by which able counsel defended the respective claims, except to say that the American representatives pointed out that if the British construction were correct, the clause of the treaty giving to British subjects the right to navigate the rivers and streams crossing the *lisière* was entirely unnecessary and meaningless, as all these rivers would empty on British territory into British waters. The tribunal, by a vote of four to two, Lord Alverstone voting with the Americans and the two Canadian members dissenting, decided substantially in favor of the American claim and drew a line joining certain designated peaks, which has been run and surveyed accordingly.



## MARKING THE BOUNDARY

This completes the story, and from the Arctic to Cape Muzon, from the Pacific to the Atlantic, we have settled all the controversies of moment and have fixed the definite location of the boundary line. You will agree that a result, attained at the cost of so much effort, which means so much to the millions of people now living along the border and to the many millions more who will crowd it in the future, must not be exposed to the hazard of mistake or forgetfulness. I am glad to report that the duty to prevent this has not been neglected. This brings me to say a few words of the labor that has been and is being expended to mark the boundary for the benefit of this and of coming generations.

Under a series of treaties between Great Britain and the United States, dated in 1903, 1906, 1908, and 1910 respectively, the marking of the boundary from end to end has been assigned to two commissions; the land boundary to be marked by the International Boundary Commission—which is composed of two members, one Canadian and one American; the water boundary by the International Joint Commission on Waterways—composed of six members similarly divided. Some fugitive work had been done before. After the Webster-Ashburton Treaty of 1842, two gentlemen, Colonel J. E. Bucknall-Estcourt on behalf of Great Britain and Mr. Albert Smith for the United States, were designated to mark the line from the St. Croix River to the St. Lawrence. They went diligently about it, and erected some 700 triangular iron boundary posts, bearing on one face the legend, "Boundary, Aug. 19th, 1842;" on the second, "Lt.-Col. J. B. B. Estcourt, H. B. M. Comr.;" and on the third, "Albert Smith, U. S. Comr.;" but the posts are discreetly silent as to the names of the countries in interest. Perhaps one might characterize this as an example of monumental egotism. On the far western reaches of the boundary some posts had been erected, and also some mounds of earth and stone cairns, but the marking was inadequate where it existed at all; but now, as a result of the labor of these commissions, the line is thoroughly marked and monumented from end to end, except where the far northern snow fields make permanent marks impossible. On the land boundary five-foot posts of aluminium bronze, set in concrete, are stationed at intervals of from one to four miles, inter-visible, so far as practicable, and twenty-foot sky-line vistas have been cut through the forest; by water, range marks and finders are set along the visible shore at every turning point, and the line is charted through the broader waters. A series of accurate topographical maps, now almost finished, will complete a record made and signed under joint supervision that will always endure. The work has demanded infinite care, a vast amount of mathematical computation, and much labor both of body and of brain. Sad to say, it has not been accomplished without some loss of life in the rugged mountains and snows of the far Northwest. Of all this interesting stories might be told, did time permit. It is worth its cost, for however Great Britain and America may disagree

in the years that are to come, quarrels over their common boundary are at an end forever.

I return to the thought with which I began. In the thirties of the last century the United States was greatly concerned when it appeared that a resurvey of the boundary on the 45th parallel would prove that the one million dollars they had spent in fortifying Rouses Point, New York, at the end of Lake Champlain, had been expended upon British soil. The land was conceded to America, but there is no fortification there today. When the German Emperor awarded San Juan Island to the United States, in 1872, wild predictions were made of the forts the United States would build upon it to threaten the city of Victoria. A half century has come and gone, and even the marks of our joint military occupation have disappeared. Any member of the Canadian Parliament or American Congress who offered now a bill appropriating money to fortify the border would be regarded as mildly insane. In 1817, by a simple exchange of diplomatic notes, war vessels were banished from Lake Champlain and the Great Lakes, and the agreement, adjusted to meet the changing conditions of ship construction and revenue patrol, endures to this day. So it has been, so may it continue. Need I point the obvious moral? Is it not the old truth that trust is wiser than distrust, that confidence is nobler than jealousy, and that there are saner ways than war for nations to settle their disputes? Long may these neighbor commonwealths endure to teach that lesson to the world; and, if ever in the future passions should agitate or angry words divide them, may they turn for admonition and for warning to the Unguarded Boundary.